

REMARKS

Claims 1-12, 14, 16, 18-21, 23, 25-29, 31, 33-37, 39, 41 and 42 are pending in this application. The Office Action provisionally rejects claims 1-42 on the grounds of nonstatutory obviousness-type double patenting; objects to claims 18, 26, 31, 34 and 42 for being improper or containing informalities; reject claims 1, 19, 27 and 35 under 35 U.S.C. §102(b); and rejects claims 1-42 under 35 U.S.C. §103(a). Applicants amend claims 1, 14, 16, 18, 19, 23, 25-27, 31, 33-35, 39, 41 and 42, and cancel claims 13, 15, 17, 22, 24, 30, 32, 38 and 40. No new matter is added.

Applicant appreciates the courtesies extended by Examiners Zheng and Poon to Applicant's representative during the personal interview conducted on April 24, 2007. Applicants separate record of the substance of the interview is incorporated into the following Remarks.

I. Claim Objections

The Office Action objects to claims 18, 26, 34 and 42 as being improper; and objects to claim 31 for containing an informality. The Office Action asserts that claims 18, 26, 34, and 42 contain improper dependent form and that claim 31 contains a typographical error. Applicants amend claims 18, 26, 34 and 42, and respectfully traverse the objections.

Claims 18, 26, 34 and 42, as amended, recite "further comprises setting." Thus, the claims are in proper dependent form.

Applicants also note that there appears to be no misspelling of the word "ning" in instant claim 31.

For at least the foregoing reasons, claims 18, 26, 31, 34 and 42 contain no objectionable subject matter. Reconsideration and withdrawal of the objection are earnestly solicited.

II. Claim Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 19, 27 and 35 under 35 U.S.C. §102(b) as anticipated by Sharma. The Office Action asserts that Sharma teaches each feature of instant claims 1, 19, 27 and 35. Applicants respectfully traverse this rejection, and amend instant claims 1, 19, 27 and 35.

Sharma involves an image spatial analyzer that analyzes image data corresponding to the image to determine at least one spatial characteristic based on the power spectrum of the image data and a marking process detection system that detects the marking process based on at least one spatial characteristic. Sharma therefore generates an image power spectrum in order to detect the marking process used to create the image. Sharma nowhere discloses directly deducing the image marking process used from the spatial characteristics of the printed page.

In contrast, instant claim 1, as amended, recites "determining special characteristics of the printed image; determining spatial variations in the printed image based on the spatial characteristics; and determining an image marking process..." Similarly, independent claims 19, 27 and 35 each determine a marking process directly from the analyzed image. Thus, instant claims 1, 19, 27 and 35, each recite a method that directly deduces the image marking process used from the spatial characteristics of the printed page. Moreover, the process claimed in instant claims 1, 19, 27 and 35 characterized in fewer steps than Sharma insofar as Sharma requires at least the additional step of generating a power spectrum and analyzing the power spectrum in order to obtain the marking process used to generate the image.

Thus, instant independent claims 1, 19, 27 and 35 are not anticipated by Sharma. Sharma nowhere teaches, expressly or inherently, the claimed method of obtaining the image marking process directly from the spatial characteristics of the printed image.

For at least the foregoing reasons, instant claims 1, 19, 27 and 35 are not anticipated by Sharma. Reconsideration and withdrawal of the rejection are earnestly solicited.

III. Claim Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-42 under 35 U.S.C. §103(a) as unpatentable over Sharma as applied to claims 1, 19, 27 and 35 above, and further in view of Wang. Applicants amend claims 1, 14, 16, 18, 19, 23, 25-27, 31, 33-35, 39, 41 and 42, cancel claims 13, 15, 17, 22, 24, 30, 32, 38 and 40, and respectfully traverse the rejection.

As discussed above, instant independent claims 1, 19, 27 and 35 as amended, from which all other claims depend, are not anticipated by Sharma, either inherently or expressly. Because this rejection is predicated on the notion that Sharma properly anticipates claims 1, 19, 27 and 35, this rejection is moot for the reasons cited above. Moreover, Wang does not remedy Sharma's deficiencies with respect to independent claims 1, 19, 27 and 35. In particular, Wang cites an approach to automatically identify a marking process using additional spectral information from the scanned material obtained through additional spectral channels. Thus, in similar fashion to Sharma, Wang does not obtain the results of the instant claimed invention in as few steps, nor does either Wang or Sharma perform analysis of the scanned image directly, without using any additional resources, in order to identify the marking process used to form the image. Thus, Sharma in view of Wang would not have rendered obvious instant independent claims 1, 19, 27 or 35, or any remaining claims depending therefrom.

For at least the foregoing reasons, instant claims 1, 19, 27 or 35, as amended, and claims depending therefrom, would not have been obvious over Sharma in view of Wang. Reconsideration and withdrawal of the rejection are earnestly solicited.

IV. Double-Patenting

The Office Action provisionally rejects claims 1-42 on the grounds of nonstatutory obviousness-type double patenting as unpatentable over claims 1-42 of Copending Application No. 10/739,176. Applicants hereby submit a terminal disclaimer in order to overcome this provisional rejection.

For at least the foregoing reasons, claims 1-42 are allowable. Reconsideration and withdrawal of the provisional rejection is earnestly solicited.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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Attachment:
Terminal Disclaimer

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